IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 413 OF 2005

WITH

CRIMINAL APPLICATION NO. 7625 OF 2005

Suhas R.Ghadkari .....Applicant

Versus

Rohidas D. Satpute and Anr. ...Respondents

Mr.R. Rajeev for the Applicant.
Respondent No.1 in person.
Mrs. S.V. Gajare, A.P.P., for the State.

CORAM: **A.M. KHANWILKAR, J.**
DATE: **DECEMBER 13, 2005**.

P.C.

1. Rule, returnable forthwith by consent. Respondent No.1, in person, waives notice. Mrs. Gajare, A.P.P., waives notice for the State. As short question is involved, heard forthwith by consent.

2. Respondent No.1 has appeared in person. Pursuant to notice issued by this Court on November 30, 2005, Respondent No.1 accepts sum of Rs.40,000/-, in cash, which is the cheque amount, in Court today. Respondent No.1 submits that he would accept that amount as full and final settlement and is not interested in precipitating the matter against the Applicant. The trial Court has convicted the Applicant for an offence

punishable under Section 138 of the Negotiable Instruments Act and ordered to suffer rigorous imprisonment for six months and to pay a fine of Rs.45,000/-, in default of payment of fine to undergo simple imprisonment of one month.

2. As mentioned earlier, respondent No.1 has no interest in precipitating the matter in spite of the order of conviction against the Applicant. It is submitted that the parties may be permitted to compound the offence as matter has been amicably resolved between the parties in exercise of powers under Section 401 r/w 320 (6) of the Code. Accordingly, as it is agreed between the parties, the criminal action is allowed to be compounded. As a consequence of this order, the order of conviction and sentence passed by the Court below will stand effaced from the record. Applicant shall, however, pay cost to High Court Legal Services Authority quantified at Rs.5,000/- within one week from today. Revision Application allowed on the above terms.

3. In view of the above order, Application stands disposed of.

(A.M. KHANWILKAR, J.)